

REMARKS

Claims 2-6, 8-15 and 19 currently appear in this application. The Office Action of January 5, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Rejections under 35 U.S.C. 112

Claims 1 and 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that there is not adequate support found in the specification for "single sol-gel."

This rejection is respectfully traversed. The claims have been amended to delete any reference to a single sol-gel.

Claims 1 and 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claims 1 and 7 have been cancelled and replaced by new claim 19. Claim 19 makes it clear that the immobilized enzyme is packaged in a semipermeable material. Support for this amendment can be found in the specification as filed at page 16, paragraph 0053, noting that the immobilized acetylcholinesterase was placed into semipermeable polyethylene tubing, and at page 21, paragraph 0065, wherein it is noted that the immobilized enzymes can be incorporated in any type of holder or package that permits exposure of the immobilized enzyme to the atmosphere at the time testing of the atmosphere is to commence.

Semipermeable polyethylene permits ingress of the molecules of the organophosphates to be detected, and thus there is basis in the specification for this amendment.

Art Rejections

Claims 16 and 18 are rejected under 35 U.S.C. 103 (a) as being obvious over Kok et al., *J. Biomater. Sci. Polymer Edn Vol. 12, No. 11, 1161-1176 (2001)*.

As the present amendment cancels claims 16-18, this rejection is now moot.

Claims 1, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kok et al. in view of Stanford et al., US 7,008,524 and Avnir et al., US 56,650,311.

This rejection is respectfully traversed. Claims 1 and 17 have been cancelled, so the rejection with respect to these claims is now moot. Claim 14 depends on claim 19, which requires that the package be a semipermeable material. That is, claim 14 now recites that the sol-gel is retained in a tube made of semipermeable polyethylene. There is nothing in any of the cited patents that even suggests incorporating the sol-gel in a semipermeable polyethylene package.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Charych et al., US 5,485,987.

This rejection is respectfully traversed. As noted above, none of the references teaches or suggests incorporating the immobilized enzyme in a semipermeable package.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 11 above, and further in view of Khue et al., Us 5,624,831.

This rejection is respectfully traversed. As noted above, none of the references teaches or suggests incorporating the immobilized enzyme in a semipermeable package.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Magdassi et al., US 6,303,149.

This rejection is respectfully traversed. As noted above, none of the references teaches or suggests incorporating the immobilized enzyme in a semipermeable package.

Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kok et al. in view of Strobel et al., US 5,766,473.

This rejection is respectfully traversed. As noted above, none of the references teaches or suggests incorporating the immobilized enzyme in a semipermeable package.

Contrary to the Examiner's assertion, the polyethylene bag described by Strobel is not inherently semipermeable. Strobel discloses at column 33, lines 43-45, that the membranes were stored in a polyethylene bag containing CaSO₄ desiccant for two months prior to use in

order to simulate production storage times. There is absolutely nothing in Strobel that would lead one skilled in the art to believe that the polyethylene was semipermeable. The immobilized enzyme in Strobel is stored in polyethylene in order to simulate production storage times. There is nothing in Strobel that would lead one skilled in the art to expect that the polyethylene is semipermeable so that the compounds being assayed can contact the immobilized enzyme.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 7, 9 and 10 as above, and further in view of Stanford et al. and Avnir et al.

This rejection is respectfully traversed. As noted above, none of the references teaches or suggests incorporating the immobilized enzyme in a semipermeable package.

Appn. No. 10/657,249
Amd. dated April 4, 2007
Reply to Office Action of January 5, 2007

In view of the above, it is respectfully submitted
that the claims are now in condition for allowance, and
favorable action thereon is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:



Anne M. Kornbau
Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\E\Epa\Rogers 1\pto\2007-04-04 AMD.doc